

REMARKS

By this Amendment, Applicant cancels claim 1, without prejudice or disclaimer of the subject matter therein, amends claims 2-11, and adds new claims 24-28. Claims 2-28 are therefore pending.

In the Office Action of March 24, 2004¹ (“OA”), claims 1 and 3-5 were objected to for minor informalities; claims 1, 2, 6-8, and 10 were rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,219,021 B1 to *Izumi* (“*Izumi*”); claims 9 and 11 were objected to as being dependent upon a rejected base claim but claims 9 and 11, and claims 3-5, were indicated as drawn to allowable subject matter; and claims 12-23 were allowed. Applicant acknowledges, with appreciation, the indication of allowable subject matter.

Objection to claims 1 and 3-5

The Examiner objected to claims 1 and 3-5 for informalities, while indicating that the claims 3-5 would be allowable if rewritten to overcome the objection and to include their base and intervening claim recitations. The objection to claim 1 is rendered moot by the cancellation of that claim. With regard to claims 3-5, the informalities noted by the Examiner are addressed by this Amendment. Moreover, claims 3-5 are rewritten in independent form and each include the recitations of base claim 1. Because claims 3-5 are now in the form the Examiner indicated would be allowable, Applicant requests the timely allowance of these claims.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether or not any such statement is identified herein, Applicant declines to automatically subscribe to any statement or characterization in the Office Action.

Objection to claims 9 and 11

The Examiner objected to claims 9 and 11 as being dependent upon a rejected base claim, indicating, however, that these claims would be allowable if rewritten in independent form with the base and intervening claim recitations. Claims 9 and 11 are rewritten in independent form including the respective base and intervening claim recitations. Because claims 9 and 11 are now in the form the Examiner indicated would be allowable, Applicant requests the timely allowance of these claims.

Rejection of claims 1, 2, 6-8, and 10 under 35 U.S.C. § 103(a)

The rejection of claims 1 is rendered moot by the cancellation of that claim. Moreover, the rejection of claims 2 and 6 should be withdrawn at least because of the respective dependence of these claims from allowable base claim 3.

Independent claim 7, as currently presented, recites a method including:

setting the radio communication terminal to one of the first and second modes in accordance with the input, and outputting a mode setting output . . . ,

wherein the first mode corresponds to a normal mode in which speech is made using said radio communication terminal, and the second mode corresponds to an information reception mode in which data is received via a radio channel, and wherein the setting of the radio communication terminal includes setting the second time period when the information reception mode corresponding to the second mode is set.

Although claim 7 is of different scope than claim 3, the above-noted features parallel subject matter recited in claim 3 that was indicated as allowable. Accordingly, Applicant submits that claim 7 is allowable for at least the same reasons as claim 3. Claim 8 depends from claim 7 and should be allowed at least by virtue of such dependency.

Independent claim 10, as currently presented, recites a method including:

setting the brightness mode to have a first time period in response to a first key input that selects *a speech mode in which speech is made using the radio communication terminal*; [and]

setting the brightness mode to have a second time period longer than the first time period in response to a second key input for setting the terminal to have a predetermined function *corresponding to an information reception mode in which data is received via a radio channel*.

Although claim 10 is different in scope from claim 3, the above-noted features relate to subject matter recited in claim 3 that was indicated as allowable. Applicant submits that claim 10 is allowable for at least the same reasons as claim 3.

Accordingly, Applicant requests withdrawal of the rejection of claims 1, 2, 6-8, and 10 under 35 U.S.C. § 103(a) and the timely allowance of these claims.

New claims

Each of new claims 24-28 depends from one of allowable base claims 4, 5, and 9. Applicant therefore requests the timely allowance of these new claims.

Conclusion


Applicant submits that this application is in *prima facie* condition for allowance and respectfully request a timely Notice of Allowance.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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By: 
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